IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 12170 of 2007(W)

PETITIONER:

A.M.HAMSA, JINAS MANZIL, CHADAYAMANGALAM KOLLAM.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.K.K.RAJEEV

RESPONDENTS:
----

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, LABOUR DEPARTMENT, GOVERNMENT SECRETRIAT,THIRUVANANTHAPURAM.

2. THE GENERAL SECRETARY, QUILON DISTRICT MOTOR AND MECHANICAL WORKERS UNION, REG.NO.263/69, CITU BHAVAN, KOLLAM.

3. ANIE GEORGE, PROPRIETRIX, ROBIN MOTORS, PUTHANVILA THEKKATHIL, THRIPPALAZHIKAM P.O., EAST KUNDARA,KOLLAM.

BY GOVT.PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO. 12170 OF 2007

DATED THIS THE 15th DAY OF JUNE, 2007

JUDGMENT

The petitioner is the second additional management in I.D.No.25/2003 before the Labour Court. In that I.D., the Labour Court passed Ext.P3 ex parte award, since the petitioner management did not appear before the Labour Court. The petitioner filed an application to set aside the ex parte award. It appears that the same has been allowed on condition that the petitioner pays an amount of Rs.1,500/- as costs to each of the workers involved within thirty days. That order has neither been produced nor challenged before me. Thereafter the Labour Court passed Ext.P4 order dismissing the petition for setting aside the ex parte award on the ground that cost as ordered has not been paid. The award and the order dismissing the petition to set aside ex parte order for non-payment of costs are under challenge before me. Since the petitioner has not paid the cost, which was a condition for setting aside the ex parte award, I am not inclined to interfere with Ext.P4 order. As far as the award is concerned, on going through the same, I find that the issue referred

was denial of employment to the workers mentioned in the award and the issue was decided on the basis of evidence available on record. The reading of the award does not disclose any perversity, whatsoever in the findings of fact entered by the Labour Court.

In the above circumstances, I do not find any merit in the writ petition and accordingly, the same is dismissed.

S. SIRI JAGAN, JUDGE

Acd